

### **Remarks**

Claims 1-63 have been cancelled and new claims 64-71 have been added. Claims 64-71 are currently pending in the instant application.

Support for new independent claim 64 can be found at paragraphs 11 and 22, throughout the remainder of the specification, and in the claims as filed in the instant application.

Support for new independent claim 68 can be found at paragraphs 9, 21, and 77-78, throughout the remainder of the specification, and in the claims as filed in the instant application.

### ***Examiner Interview***

Applicants wish to thank Examiners Dinga and Bockelman for the productive discussion relating to the instant application with Applicants' undersigned representative during the telephonic Examiner Interview on Tuesday, October 19, 2010. New claims 64-71 were drafted based on that conversation and are intended to incorporate the limitations discussed during the discussion.

### ***§ 101 Rejection***

Claim 18 was rejected under 35 U.S.C. § 101 because it was asserted that the claimed invention was directed to non-statutory subject matter. Because claim 18 has been cancelled, it is respectfully submitted that this rejection has been rendered moot.

### ***§ 112 Rejections***

Claims 21-28, 34, and 36-37 were rejected under 35 U.S.C. § 112, second paragraph, because it was asserted that there was insufficient antecedent basis for certain limitations in the claims. Because these claims have been cancelled, it is respectfully submitted that these rejections have been rendered moot.

### ***§ 102(b) Rejections***

Claims 30-31 and 38-43 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,630,597 ("Kantrowitz"). Claim 42 was also rejected as being anticipated by U.S. Patent 6,471,633 ("Freed"). Because these claims have been cancelled, it is respectfully submitted that these rejections have been rendered moot.

### ***§ 103(a) Rejections***

Claims 29, 32-33, 55, and 63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kantrowitz. Claims 50-54 were rejected under § 103(a) as being unpatentable

over Kantrowitz and in view of U.S. Published Application 2004/0097784 (“Peters”). Because these claims have been cancelled, it is respectfully submitted that these rejections have been rendered moot.

***New Claims 64-71 Are Patentable Over Kantrowitz, Freed, and/or Peters***

It is respectfully submitted that new claims 64-71 are patentable over Kantrowitz, Freed, Peters, or any combination thereof.

***Independent Claim 64 Is Patentable***

Claim 64 is not rendered obvious by any of Kantrowitz, Freed, or Peters, alone or in combination.

New independent claim 64 is directed to an actuator comprising a flexible balloon and a bushing disposed within and extending from the neck portion of the balloon. Further, the balloon comprises, in part, a “deflated configuration in which a portion of the second body portion is in contact with the first body portion.”

In contrast, Kantrowitz fails to teach, suggest, or provide any apparent reason for an actuator having a bushing and a balloon with a deflated configuration in which a portion of the second body portion is in contact with the first body portion. Instead, Kantrowitz discloses a balloon containing a “relatively thick, semi-rigid body or shell member” that is disposed within the balloon as shown in FIGS. 2 and 3 (in which the body is identified with reference number 24). *See* Col. 3, ll. 25-40. The “thin wall flexible membrane” of the balloon is “fixedly secured in face-to-face relationship with the outer side surface . . . of [the semi-rigid] body 24.” *See* Col. 3, ll. 43-46. As such, when the flexible membrane 38 of the Kantrowitz balloon is “alternately flexed between the full and broken line positions of FIGS. 2 and 3” (*see* Col. 4, ll. 17-22), the flexible membrane 38 in the broken line position (the balloon being in a deflated configuration) is positioned against the semi-rigid body and cannot come into contact with the portion of the membrane that is fixedly secured in face-to-face relationship with the semi-rigid body. In other words, the semi-rigid body prevents any portion of the two opposing sides of the balloon from coming into contact with one another. Thus, Kantrowitz fails to teach, suggest, or provide any apparent reason for a balloon with a deflated configuration in which a portion of the second body portion is in contact with the first body portion. Claim 64, therefore, is patentable over Kantrowitz.

Similarly, Freed also fails to teach, suggest, or provide any apparent reason for an actuator having a bushing and a balloon with a deflated configuration in which a portion of the second body portion is in contact with the first body portion. Instead, Freed – like Kantrowitz – discloses a balloon containing a “semi-rigid shell” that is disposed within the balloon as shown in FIGS. 2 and 3 (in which the shell is identified with reference number 14). *See* Col. 1, ll. 57-59. The “thin wall, flexible membrane 24” of the balloon is “fixedly secured to the shell.” *See* Col. 5, ll. 55-56. As such, when the flexible membrane 24 of the Freed balloon is “in a deflated condition in FIGS. 4 and 5 (*see* Col. 5, ll. 32-33), the flexible membrane 24 is positioned against the semi-rigid shell and cannot come into contact with the portion of the membrane that is fixedly secured to the semi-rigid shell. In other words, the semi-rigid shell prevents any portion of the two opposing sides of the balloon from coming into contact with one another. Thus, like Kantrowitz, Freed fails to teach, suggest, or provide any apparent reason for a balloon with a deflated configuration in which a portion of the second body portion is in contact with the first body portion. Claim 64, therefore, is patentable over Freed.

In like fashion, Peters also does not teach, suggest, or provide any apparent reason for an actuator having a bushing and a balloon with a deflated configuration in which a portion of the second body portion is in contact with the first body portion. Instead, Peters discloses a device having an “inelastic . . . shell 12 and a membrane 14, sealingly attached to [the] periphery of the shell 12” as shown in FIGS. 1 and 2. *See* ¶ 27. Thus, like Kantrowitz and Freed, Peters does not teach, suggest, or provide any apparent reason for a balloon with a deflated configuration in which a portion of the second body portion of the balloon is in contact with the first body portion of the balloon. Claim 64, therefore, is patentable over Peters.

Thus, none of Kantrowitz, Freed, or Peters, alone or in combination, teach, suggest, or provide any apparent reason for the invention as set forth in claim 64.

*Claims Depending From Claim 64 Are Patentable*

Because claims 65-67 depend directly or indirectly from claim 64 and incorporate all the limitations of that claim, the above arguments apply equally to claims 65-67. Thus, claims 65-67 are not rendered obvious by Kantrowitz, Freed, or Peters.

*Independent Claim 68 Is Patentable*

Claim 68 is not rendered obvious by any of Kantrowitz, Freed, or Peters, alone or in combination.

New independent claim 68 is directed to an actuator comprising a restraint component and a flexible balloon that comprises, in part, “a first body portion . . . unattachedly disposed adjacent to the restraint component” and “an inflated configuration in which at least a portion of the first body portion is displaced inwardly away from the restraint component.”

In contrast, Kantrowitz fails to teach, suggest, or provide any apparent reason for an actuator having a balloon comprising a first body portion unattachedly disposed adjacent to the restraint component and an inflated configuration in which at least a portion of the first body portion is displaced inwardly away from the restraint component. Instead, as described above, Kantrowitz discloses a balloon containing a semi-rigid body disposed within the balloon. Instead of being unattachedly disposed adjacent to a restraint component, the flexible membrane of the Kantrowitz balloon is “*fixedly secured* in face-to-face relationship with the *outer side surface* . . . of [the semi-rigid] body 24.” See Col. 3, ll. 43-46. As such, when the flexible membrane 38 of the Kantrowitz balloon is in the inflated configuration, no portion of the membrane that is fixedly secured to the outer surface of the semi-rigid body can be displaced inwardly away from the restraint component. To the contrary, the portion of the membrane fixedly secured to the semi-rigid body cannot be displaced at all. Thus, Kantrowitz fails to teach, suggest, or provide any apparent reason for a balloon comprising a first body portion unattachedly disposed adjacent to the restraint component and an inflated configuration in which at least a portion of the first body portion is displaced inwardly away from the restraint component. Claim 68, therefore, is patentable over Kantrowitz.

Similarly, Freed also fails to teach, suggest, or provide any apparent reason for an actuator having a balloon comprising a first body portion unattachedly disposed adjacent to the restraint component and an inflated configuration in which at least a portion of the first body portion is displaced inwardly away from the restraint component. Instead, as described above, Freed – like Kantrowitz – discloses a balloon containing a semi-rigid shell disposed within the balloon. Instead of being unattachedly disposed adjacent to a restraint component, the “flexible membrane” of the balloon is “fixedly secured to the [outer surface of the] shell.” See Col. 5, ll. 55-56 and FIG. 2. As such, when the flexible membrane 24 of the Freed balloon is in the inflated configuration, no portion of the membrane that is fixedly secured to the outer surface of semi-rigid shell can be displaced inwardly away from the restraint component. To the contrary, the portion of the membrane fixedly secured to the semi-rigid shell cannot be displaced at all.

Thus, Freed fails to teach, suggest, or provide any apparent reason for a balloon comprising a first body portion unattachedly disposed adjacent to the restraint component and an inflated configuration in which at least a portion of the first body portion is displaced inwardly away from the restraint component. Claim 68, therefore, is patentable over Freed.

In like fashion, Peters also does not teach, suggest, or provide any apparent reason for an actuator having a balloon comprising a first body portion unattachedly disposed adjacent to the restraint component and an inflated configuration in which at least a portion of the first body portion is displaced inwardly away from the restraint component. Instead, Peters discloses a device having an “shell” and a “membrane . . . sealingly attached to [the] periphery of the shell.” See ¶ 27. Thus, Peters fails to teach, suggest, or provide any apparent reason for a balloon comprising a first body portion unattachedly disposed adjacent to the restraint component and an inflated configuration in which at least a portion of the first body portion is displaced inwardly away from the restraint component. Claim 68, therefore, is patentable over Peters.

Thus, none of Kantrowitz, Freed, or Peters, alone or in combination, teach, suggest, or provide any apparent reason for the invention as set forth in claim 68.

*Claims Depending From Claim 68 Are Patentable*

Because claims 69-71 depend directly or indirectly from claim 68 and incorporate all the limitations of that claim, the above arguments apply equally to claims 69-71. Thus, claims 69-71 are not rendered obvious by Kantrowitz, Freed, or Peters.

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**Conclusion**

Applicants respectfully submit that claims 64-71 are in condition for allowance. A Notice of Allowance for all pending claims is respectfully requested.

Please direct any calls in connection with this application to the undersigned at (612) 766-8739.

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